

REMARKS/ARGUMENTS

Claims 1 - 52 were pending. Claims 1 - 52 were rejected. Claims 1-14 and 16-24 are amended herein. Claims 15 and 25-52 are cancelled. Claims 53-66 are new.

As discussed below, all of the claims are in condition for allowance.

Rejection of Claims 27-29, 38-39, 46-47, and 49 Under 35 U.S.C. § 112

Applicants' agent respectfully traverses the Examiner's rejections under paragraph 1. There is sufficient written support in the specification and figures to support the previously pending claims. However, the rejection is moot because claims 27-29, 38-39, 46-47, and 49 are cancelled.

Rejection of Claims 1-27, 30-37, 40-45, 48, 50-52 Under 35 U.S.C. §§ 102(e) and 103(a) Over Jain (U.S. Pat. No. 6,259,677)

All independent claims are amended. Jain does not disclose or reasonably suggest, alone or in combination with ordinary knowledge, all the limitations of the currently pending claims. In particular, neither Jain nor ordinary knowledge suggests determining a first time associated with receipt of a first data packet; determining a second time associated with receipt of a second data packet sent immediately after the first data packet; determining a size of the second data packet; and calculating a transmission bandwidth by dividing the size of the second data packet by a function of a difference between the first and second times, as recited by claim 1. Other independent claims are allowable for reasons similar to those given for claim 1.

In the event additional fees are due as a result of this amendment, the Commissioner is hereby authorized to charge any deficiency of fees submitted herewith, or credit any overpayment, to Deposit Account No. 07-1897.

If the Examiner believes that a telephone interview would be helpful, he is respectfully requested to contact the Applicants' agent at (425) 455-5575.

Dated this 28th day of December, 2009.

Respectfully submitted,

/CAWiklof/

Christopher A. Wiklof
Registration No. 43,990

Customer No. 72455

Graybeal Jackson LLP
155 - 108th Avenue NE, Suite 350
Bellevue, Washington 98004-5973
Telephone: 425.455.5575
Facsimile: 425.455.1046